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For Publication

UNITED STATES BANKRUPTCY COURT DISTRICT OF VERMONT

In re:

Dennis P. and Jean A. Leahy Debtors.

Chapter 7 Case # 06-10574

Appearances:

Thomas Niksa, Esq. St. Albans, VT Attorney for Debtors Raymond J. Obuchowski, Esq.

Bethel, VT

Attorney for Trustee

ORDER

OVERRULING TRUSTEE'S OBJECTIONS TO DEBTORS' CLAIM OF EXEMPTION IN 403(B) PLAN AND DENYING TRUSTEE'S TURNOVER DEMAND

For the reasons set forth in the Memorandum of Decision of even date, IT IS HEREBY ORDERED that the Debtor's 403(b) retirement plan is not property of the estate, the Trustee's objections to the Debtors' exemption are overruled, and the Trustee's demand for turnover is denied.

SO ORDERED.

July 3, 2007

Rutland, Vermont

Colleen A. Brown

United States Bankruptcy Judge

Filed & Entered On Docket July 3, 2007